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CPA/2673\$

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**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX,
if applicable:
☐ DUPLICATE

ADDRESS TO: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	INK-006
	First Named Inventor	Albert
	Examiner Name	Lewis, D
	Group Art Unit	2673

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This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 09/140,862,
filed on August 27, 1998, entitled Color Electrophoretic Displays.

AUG 16 2004

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NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is (1) a utility or plant application that was filed under 35 U.S.C. 111(a) before May 29, 2000, and is complete as defined by § 1.51(b); (2) a design application that is complete as defined by § 1.51(b); or (3) a national stage of an international application that was filed under 35 U.S.C. 363 before May 29, 2000, and is in compliance with 35 U.S.C. 371. A notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered.

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

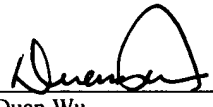
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

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BOARD OF PATENT APPEALS
AND INTERFERENCES

08/16/2004 09:15:00 00000002 09140862 770.00 DP 01 FC:1006

	(1) CLAIMS	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	16 - 20 =	0	x \$ 18 =	\$
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	3 - 3 =	0	x \$ 86 =	\$
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 290 =	\$
				BASIC FEE (37 CFR 1.16(a))	\$ 770.00
				Total of above Calculations =	\$
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				\$
	TOTAL =				\$ 770.00

6. ☐ Small entity status:
- a. ☐ Applicant claims small entity status.
- b. ☐ was established in the prior application and is still proper and desired.
- c. ☒ is no longer claimed.
7. ☒ A check in the amount of \$770.00 is enclosed.
8. ☒ The Commissioner is hereby authorized to credit overpayments or charge any additional fees required under 37 C.F.R. 1.16 and 1.17 to Deposit Account No. 20-0531.
9. ☐ A copy of the Petition and Fee for Extension of Time for _____ months up to and including _____ which was filed for the immediately prior application is enclosed herewith.
10. a. ☐ Receipt for Facsimile Transmittal CPA (PTO/SB/29A).
- b. ☒ Return Receipt Postcard.
- c. ☒ Copy of Limited Recognition.
11. ☐ NO FEE IS ENCLOSED AND ANY AUTHORIZATION TO CHARGE THE DEPOSIT ACCOUNT IS EXPRESSLY REVOKED.

CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100	Respectfully submitted,  Date: August 12, 2004 Reg. No. Limited Recognition Tel. No.: (617) 248-7808 Fax No.: (617) 248-7100 PTO Customer No. 021323 Duan Wu Atty/Agent for Applicant(s) Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110

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PATENT

Attorney Docket No. INK-006
(2108/13)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Albert *et al.* CONFIRMATION NO.: 9214
SERIAL NO.: 09/140,862 GROUP NO.: 2673
FILING DATE: August 27, 1998 EXAMINER: Lewis, D.
TITLE: Color Electrophoretic Displays

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Commissioner for Patents
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PRELIMINARY AMENDMENT

Sir:

This Preliminary Amendment is submitted under 37 C.F.R. § 1.115 with a Continued Prosecution Application (CPA) Request, after the mailing of Decision On Appeal ("Board Decision") from the Board of Patent Appeals and Interferences on June 17, 2004.

Applicants respectfully request entry of the following amendments, reconsideration and withdrawal of all grounds of objection and rejection, and passage of the case to allowance. Applicants submit that no new matter is introduced by the present Amendment. A check is enclosed to cover the fee for the CPA that is being submitted with this paper. Applicants believe that no additional fee is due upon submission of this paper. If additional fees are due, however, the Commissioner is hereby authorized to charge them to Deposit Account No. 20-0531.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 6 of this paper.